

Members

Sen. Richard Bray, Chairperson
Sen. David Ford
Sen. William Alexa
Sen. Timothy Lanane
Rep. Robert Kuzman
Rep. Dale Sturtz
Rep. Ralph Ayres
Rep. Kathy Richardson
Chief Justice Randall T. Shepard
Judge Ernest Yelton
C. Joseph Anderson, Jr.
William Overdeer
Sarah M. Taylor



COMMISSION ON COURTS

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Commission

Authority: IC 33-1-15

MEETING MINUTES¹

Meeting Date: August 2, 2000
Meeting Time: 10:00 A.M.
Meeting Place: State House, 200 W. Washington
St., Room 404
Meeting City: Indianapolis, Indiana
Meeting Number: 1

Members Present: Sen. Richard Bray, Chairperson; Sen. David Ford; Rep. Robert Kuzman; Rep. Dale Sturtz; Rep. Kathy Richardson; Justice Brent E. Dickson, acting as Chief Justice Randall T. Shepard's designee; C. Joseph Anderson, Jr.; William Overdeer.

Members Absent: Sen. William Alexa; Sen. Timothy Lanane; Rep. Ralph Ayres; Judge Ernest Yelton; Sarah M. Taylor.

Senator Bray, chairman of the Commission, convened the meeting at 10:00 a.m. He noted that David Pope, was attending the meeting as an unofficial representative for Sarah Taylor. At the request of the Chairman, the members introduced themselves.

The chairman asked the attorney for the Commission to describe the proposals submitted to the Commission for study. The staff attorney distributed a memorandum summarizing these proposals. (The memorandum is available from the Legislative Information Center as Exhibit 1.) He indicated that the proposals consisted of proposals that by statute or

¹ Exhibits and other materials referenced in these minutes can be inspected and copied in the Legislative Information Center in Room 230 of the State House in Indianapolis, Indiana. Requests for copies may be mailed to the Legislative Information Center, Legislative Services Agency, 200 West Washington Street, Indianapolis, IN 46204-2789. A fee of \$0.15 per page and mailing costs will be charged for copies. These minutes are also available on the Internet at the General Assembly homepage. The URL address of the General Assembly homepage is <http://www.ai.org/legislative/>. No fee is charged for viewing, downloading, or printing minutes from the Internet.

resolution of the Legislative Council the Commission was required to study and those that the Commission has discretion not to study.

Under Resolution 00-1 (adopted May 25, 2000), the Legislative Council directed the Commission to study the following two topics:

- (1) Study the fiscal impact of trial costs on county budgets.
- (2) Study the financing and expenses associated with the operation of city and town courts.

Under IC 33-1-15-7, the Commission is required to study requests for new courts and changes in court jurisdiction submitted to the Commission before July 1. The Commission received the following six requests before July 1:

- (1) Convert Porter Circuit Court juvenile referee to a state-paid, full-time magistrate.
- (2) Convert all county-paid juvenile referees to state-paid, full-time magistrates.
- (3) Convert federally funded drug court in Allen County into 1 additional superior court.
- (4) Create a family court division within the Allen Circuit Court.
- (5) Authorize the Henry Superior Court No. 2 to appoint a small claims referee.
- (6) Add one state-paid, full-time magistrate to the LaPorte Circuit Court.

The Commission also received several requests that the Commission is not required to review. The Commission received three additional requests for new courts or changes in court jurisdiction after July 1. These include:

- (1) Create an additional court in Howard County.
- (2) Create an additional court in DeKalb County.
- (3) Stagger the terms of the judges in Porter County.

The Commission also received a letter from a citizen about the courts in Porter County. (The letter is available from the Legislative Information Center as Exhibit 2.)

The Chairman asked the Fiscal Analyst for the Commission to give a report at the next meeting on sources and uses of fees collected in civil and criminal cases.

The Chairman asked Nancy Gettinger to give a status report on the Family Court Pilot Project being conducted through the Division of State Court Administration. Ms. Gettinger, Director of GAL/CASA, distributed a description of the project. (The description is available from the Legislative Information Center as Exhibit 3.)

Ms. Gettinger explained that the Project was organized under the direction of the Supreme Court and with the advice of an advisory panel of trial judges. Eight counties made written applications to participate in the Project. After a very comprehensive review procedure three counties were selected to participate: Johnson County, Monroe County, and Porter County. The Project has operated for one year. The first report from the participating counties is available upon request. The Project will continue for one additional year. At the conclusion of the Project, the Supreme Court will evaluate the results of the Project and make appropriate recommendations.

Ms. Gettinger indicated that the objective of the Project is to focus on family law cases on a family-by-family basis rather than a case-by-case basis. The Project is organized around the following principles:

- (1) Expanded jurisdiction of courts to include custody, visitation, juvenile, probate, protection, and criminal cases affecting families.
- (2) Coordination of family court litigation through specialized case management and the use of "one-family-one judge" or "one-family-one-team" models.
- (3) Informed decision making by insuring notice to the judge of other relevant family litigation as well as family history, assessments, and evaluation.
- (4) Increased use of alternative dispute resolution.
- (5) Facilitating and coordinating service delivery for families and children.
- (6) Monitoring court orders for compliance and needed modification.

All of the selected courts hear abuse and neglect, termination of parental rights, delinquency, paternity, divorce, mental health, guardianship, adoption, protective orders, and some criminal cases relevant to the family situation. Monroe County and Johnson County are using the one-family-one judge approach. Porter County is using a team approach. The courts participating in the Project can be selective in determining which family cases to include in the Project.

Senator Bray asked if Allen County was part of the project. Ms. Gettinger said that Allen County was not. She indicated that the Indiana Judicial Center was monitoring a separate family mediation project in Allen County. The purpose of the project was not to coordinate multiple family litigation but to study mediation principles. Rep. Kuzman asked if there was a fee for this service. Mr. Jeffrey A. Bercovitz, Probation/Juvenile Director, Indiana Judicial Center, said that there was an additional \$20 filing fee that funded the cost of hiring mediators. He said that not all cases were selected for mediation.

Rep. Richardson asked if this concept would require additional expenditures by the counties. Ms. Gettinger said that the goal of the Project is to use available resources better. Monroe County is using additional personnel. Porter County is not. Unlike the mediation approach used in the Allen County project, the method of dispute resolution being used in the Family Court Pilot Project involves informal meetings with the case manager at no additional cost to the parties.

Senator Bray asked if implementation of a family court concept statewide would require changes in court jurisdiction or creation of new specialized courts. Ms. Gettinger indicated that the Supreme Court was not prepared to make recommendations at this time. She said that the Court currently was considering several rule changes to give the participating counties greater flexibility to resolve several cases simultaneously. She said it is possible that there would need to be a broadening of jurisdiction of one or more courts in some counties to implement this concept. She indicated that the concept could be implemented without creating a new layer of specialized courts. She said that one of the objectives of the study is to determine how the family court principles could be adapted to large urban counties. Justice Dickson, who was sitting in as a member of the Court as Chief Justice Shepard's designee, said it would be premature for the Commission to act on these proposals.

The Chairman indicated that at the next meeting the Commission would hear testimony concerning the two issues assigned to the Commission by the Legislative Council. He set the next three meetings of the Commission for: August 17, September 7, and September 28. Each meeting will convene at 1:30 p.m.

The Chairman adjourned the meeting at 11:30 a.m.